

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In Re: Methyl Tertiary Butyl Ether ("MTBE")
Products Liability Litigation

Master File No. 1:00-1898
MDL 1358 (SAS)

This Document Relates To:

*Crescenta Valley Water District v. Mobil
Corporation, et al.*, 07 Civ. 9453

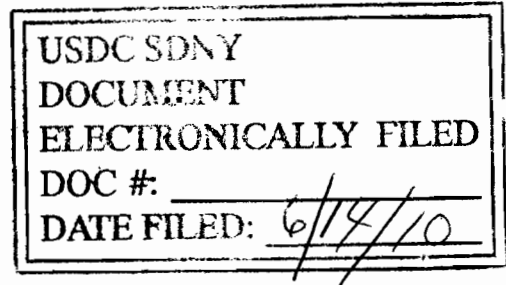
Orange County Water District v. Unocal Corp.,
CA-CV-03-1742

City of Fresno v. Chevron U.S.A. Inc., et. al.,
CA-C-03-5378

*City of Merced Redevelopment Agency v.
Exxon Mobil Corp.*, 1:08-CV-6306

*New Jersey Department of Environmental
Protection v. Atlantic Richfield Co., et al.*
08 Civ. 00312

*Commonwealth of Puerto Rico v. Shell
Oil Co., et al.*, 07-CV-10470



CASE MANAGEMENT ORDER NO. 73

The parties in the above referenced matters have agreed that the revised Rules 26(b)(4)(B) & (C), which go into effect in December, will apply to expert discovery in this case.

These rules provide:

(B) Trial Preparation Protection for Draft Reports or Disclosures. Rules 26(b)(3)(A) and (B) protect drafts of any report or disclosure required under Rule 26(a)(2), regardless of the form of the draft.


(C) Trial Preparation Protection for Communications Between Party's Attorney and Expert Witnesses. Rules 26(b)(3)(A) and (B) protect communications

between the party's attorney and any witness required to provide a report under Rule 26(a)(2)(B), regardless of the form of the communications, except to the extent that the communications:

- (i) Relate to compensation for the expert's study or testimony;
- (ii) Identify facts or data that the party's attorney provided and that the expert considered in forming the opinions to be expressed, or
- (iii) Identify assumptions that the party's attorney provided and that the expert relied upon in forming the opinions to be expressed.

The Court therefore Orders that the revised Rules 26(b)(4)(B) & (C) will apply to expert discovery in the above referenced matters even before they go into effect.

SO ORDERED:



Shira A. Scheindlin
U.S.D.J.

Dated: New York, New York

June 11, 2010